

*Claims of "Amnesty" or Legalization are Overblown and  
Prey on Emotions Surrounding Immigration Debate*

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**(Washington, DC)** – Reports in the [Houston Chronicle](#), the [New York Times](#), and elsewhere have characterized a policy change instituted by the Department of Homeland Security's Immigration and Customs Enforcement bureau. The headlines read that ICE is halting the removal proceedings of certain immigrants in the process of being deported, but some have misinterpreted this to mean there is some new immigration policy in effect, a new path to legal status, a new protection from deportation, and none of those are actually true. A copy of the memo encouraging ICE authorities to use their discretion in certain circumstances is [here](#)

. The following is a statement by Rep. Luis V. Gutierrez (D-IL), Chairman of the Immigration Task Force of the Congressional Hispanic Caucus and a leading advocate for immigration reform.

Immigration and Customs Enforcement has instructed their officials to stop wasting time and money trying to deport people who qualify for legal immigration status under current U.S. immigration law. It is that simple. It is a sensible and very narrow way of addressing a long-standing problem in our immigration bureaucracy; namely that one part of the Department of Homeland Security is sometimes trying to deport someone who is already being considered for legal status by another part of DHS and this will resolve those discrepancies without burdening the already overloaded immigration courts.

There is no legalization. There is no new way to "get legal" or new way to fight or prevent deportation. All of those affected by this sensible change in policy have to have a legitimate claim to legal status anyway under existing law. This is simply making sure that the government doesn't go through the expense of trying to deport someone before eventually determining that they won't be deported, saving time and a lot of money before reaching the same outcome in the end.

For example, if someone married to a U.S. citizen would qualify for a green card based on that relationship, the new policy allows ICE authorities to close those deportation proceedings, which would eventually happen anyway for such an individual, if the ICE authorities are able to certify that the immigrant has no criminal record.

According to John Morton, the Assistant Secretary in charge of Immigration and Customs Enforcement within the Department of Homeland Security, this could affect around 17,000 individuals currently in the process of having their deportations adjudicated. The U.S. [detained 383,524 foreign nationals](#) in 2009, deported 393,289 people, and there are an estimated 12 million undocumented immigrants in the U.S., so this is a small drop in the bucket in terms of the bigger issues. With the immigration court docket overwhelmed by a [record backlog of cases](#), a record number of deportation proceedings, a record number of deportations, and a record number of immigrants in immigration detention, this administrative streamlining will clear a little space on the docket of the courts, which will, unfortunately, be used to deport more people who actually are deportable.

All of the talk about some "backdoor amnesty" or a "new way for immigrants to get legal" are lies, exaggerations, or cynical attempts to fan the emotional flames of the immigration debate. These claims come from two sources: the anti-immigration side that wants to stir up opposition to any sort of sensible reform; and unscrupulous lawyers or purveyors of immigration advice and services who might prey on the hopes undocumented immigrants have for some sort of legal status. It is important that the news media not mischaracterize what this minor policy change is actually about.

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